

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA**

CASE NO.: 1:25-cv-01730

RENEE COMET,

Plaintiff,

v.

SHADY BROOK FARM MARKETS INC.,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff RENEE COMET by and through her undersigned counsel, brings this Complaint against Defendant SHADY BROOK FARM MARKETS INC., which does business under the names “The Market at Delval” and “Fleming Family Farms,” for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff RENEE COMET (“Comet”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. §§ 106 and 1202, to copy and distribute Comet’s original copyrighted Work of authorship and addition of false copyright management information.

2. Comet is a nationally recognized, commercial photographer specializing in food and still life photography for advertising, packaging, digital content, cookbooks and recipe videos. Her photography focuses on food, products and lifestyle subjects with a distinctly clean, elegant style. Exquisite lighting technique, minimalist propping and refreshingly uncomplicated

backgrounds combine to create simple, sophisticated images that display and enhance her subjects' natural beauty.

3. Defendant SHADY BROOK FARM MARKETS INC. ("Defendant") is an agricultural business that sells produce from their Farmer Market, plants from their Garden Center, and alcohol and special events from their Stone's Throw Pub.

4. Defendant also owned and conducted business as The Market at Delaware Valley University. Upon information and belief, at all times relevant herein Defendant was the owner and operator of the internet website located at the URL <https://themarketatdelval.com> (the "Market Website").

5. Comet alleges that Defendant copied Comet's copyrighted Work in order to advertise, market and promote Defendant's business activities.

JURISDICTION AND VENUE

6. This is an action arising under the Copyright Act, 17 U.S.C. §§ 501 and 1202.

7. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

8. Defendant is subject to personal jurisdiction in Pennsylvania.

9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

10. Defendant is a Pennsylvania Corporation, with its principal place of business at 931 Stony Hill Road, Yardley, Pennsylvania, 19067 and can be served by serving its Registered Agent at the same address.

THE COPYRIGHTED WORK AT ISSUE

11. In 2009, Comet created the photograph entitled “20091008_Marriner-096-LAY,” which is shown below and referred to herein as the “Work.”

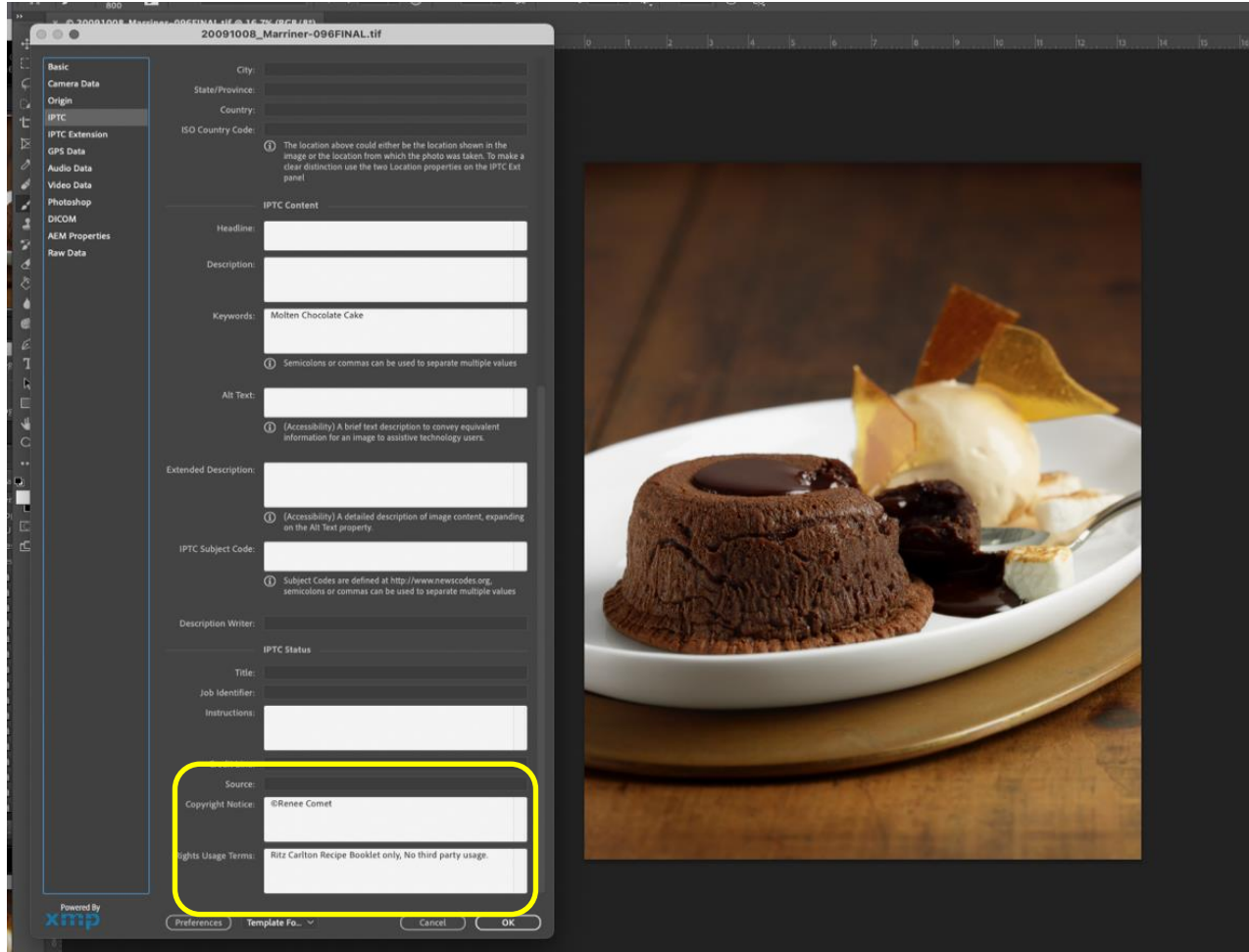


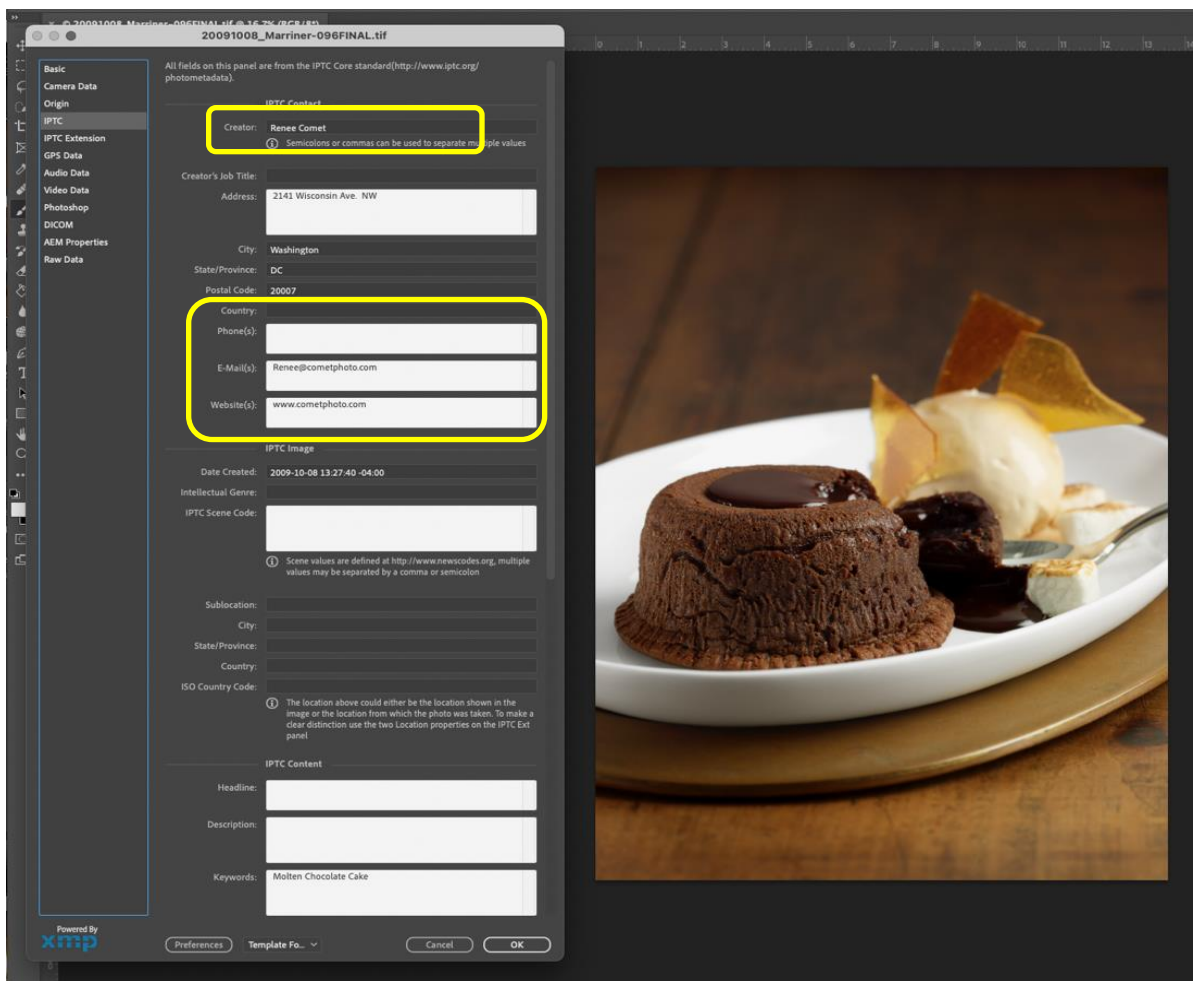
12. Comet registered the Work with the Register of Copyrights on January 17, 2010, and was assigned registration number V Au 1-011-688. The Certificate of Registration is attached hereto as **Exhibit 1**.

13. Comet published the Work on January 1, 2010, in the “Classic Desserts Redefined At the Ritz Carlton” book by George McNeill (ASIN: B009F4XQEO) (“Ritz Carlton Book”).

14. When Comet distributed the Work for display in the Ritz Carlton Book, and at all times thereafter, the digital file of the Work included copyright management information of the Work in the form of Comet’s name, the copyright symbol ©, the Work was date created (“CMI”), and licensing terms, which expressly excludes the usage of third parties other than Ritz

Carlton (collectively, the “Attributions”).





15. Comet's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets. The Work, in perspective, orientation, positioning, lighting, and other details, is entirely original and creative. As such, the Work qualifies as subject matter protectable under the Copyright Act

16. At all relevant times Comet was the owner of the copyrighted Work.

INFRINGEMENT BY DEFENDANT

17. Defendant has never been licensed to use the Work for any purpose.

18. On a date after the Work was created, but prior to the filing of this action, Defendant copied the Work.

19. On or about August 9, 2024, Comet discovered the unauthorized use of her Work on an advertisement on the Market Website.

20. Defendant copied Comet's copyrighted Work without Comet's permission or authority.

21. After Defendant copied the Work, Defendant made further copies and distributed the Work on the internet to promote the sale of Defendant's produce and food business.

22. Defendant committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

23. Comet never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

24. When Defendant copied and displayed the Work, it also added false CMI to the Work.

25. Comet never gave Defendant permission or authority to add CMI to the Work.

26. Comet notified Defendant of the allegations set forth herein on August 27, 2024, September 11, 2024, December 20, 2024, January 9, 2025, and January 15, 2025. To date, Defendant has refused to claim any responsibility for actions.

COUNT I
COPYRIGHT INFRINGEMENT

27. Comet incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein.

28. Comet owns a valid copyright in the Work.

29. Comet registered the Work with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

30. Defendant copied, displayed, and distributed the Work and made derivatives of the Work without Comet's authorization in violation of 17 U.S.C. § 501.

31. Defendant performed the acts alleged in the course and scope of its business activities.

32. Defendant's acts were willful.

33. Comet has been damaged.

34. The harm caused to Comet has been irreparable.

COUNT II
ADDITION OF FALSE COPYRIGHT MANAGEMENT INFORMATION

35. Comet incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein.

36. The Work at issue in this case contains false CMI in the form of a false attribution gutter credit, as shown in part here:



37. Defendant knowingly and with the intent to enable or facilitate copyright infringement, added false CMI to the Work in violation of 17 U.S.C. § 1202(a), as seen in **Exhibit 2**.

38. Defendant distributed copies of the Work to third parties which included false CMI conveyed in connection with the Work.

39. Defendant committed these acts knowing or having reasonable grounds to know that they would induce, enable, facilitate or conceal infringement of Comet's rights in the Work.

40. After applying the false CMI to the Work, Defendant published the Work in violation of 17 U.S.C. § 1202(a).

41. Comet has been damaged.

42. The harm caused to Comet has been irreparable.

WHEREFORE, Plaintiff RENEE COMET prays for judgment against Defendant SHADY BROOK FARM MARKETS INC. that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501 and 1202;

b. Defendant be required to pay Comet her actual damages and Defendant's profits attributable to the infringement, or, at Comet's election, statutory damages, as provided in 17 U.S.C. §§ 504 and 1203;

c. Comet be awarded her attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Comet be awarded pre- and post-judgment interest; and

e. Comet be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Comet hereby demands a trial by jury of all issues so triable.

Dated: April 3, 2025

Respectfully submitted,

/s/ Joseph A. Dunne

JOSEPH A. DUNNE

Bar Number: 325562

Joseph.dunne@sriplaw.com

SRIPLAW, P. A.

41 Madison Avenue

25th Floor

New York, New York 10010

929.200.8446 – Telephone

561.404.4353 – Facsimile

Counsel for Plaintiff Renee Comet